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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/781,937	BUXTON ET AL.	
	Examiner	Art Unit	
	Jason M. Borlinghaus	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 April 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-9,11-49 and 51-71* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *,3-9,11-49 and 51-71* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 and 3 - 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alaia (US Patent 6,199,050) in view of Disclosed Prior Art (specification, pp. 1 – 5) and Official Notice.

Regarding Claims 1 and 3 - 8, Alaia discloses a method of updating a database of commodity information comprising:

- providinq a database (sever component) of commodity information (RFQ data) comprising commodity designations (lots) representing commodities (commodity line items), and an estimated market price (ceiling) stored in

association with one or more of the commodity designations (lots). (see col. 3, lines 6 - 24; col. 20, lines 54 – 62);

- providing an online reverse auction environment accessible via a computer network. (see col. 2, line 23 – col.4, line 12);
- receiving a request for proposals (request for quotation) accessible via a computer network from a customer at the online reverse auction environment, the RFP (RFQ) including a request for bids on at least one specified commodity (line item) of the commodities (line items). (see col. 3, lines 7 – 24);
- soliciting (inviting) multiple potential vendors accessible via a computer network to submit proposals responsive to the RFP (RFQ) in the online reverse auction environment. (see col. 2, line 59 – col. 3, line 23);
- receiving one or more vendor proposals (bids) in the online reverse auction environment, at least one or more of the vendor proposals (bids) being responsive to the RFP (RFQ) and including a proposed price (bid price) for the at least one specified commodity (individual lots and their constituent parts). (see col. 3, lines 12 – 32);
- extracting the proposed price (bid price) for the at least one specified commodity from each of the responsive vendor proposals (bids). (col. 3, lines 33 – 44);

- comparing the proposed price (bid price) for the at least one specified commodity to the estimated market price (current lowest or best bid, termed "Market Bid") of the at least one specified commodity. (col. 4, lines 41 – 57);
- updating the database with the proposed price (bid price) for the at least one specified commodity if the proposed price (bid price) is less than the estimated market price (current lowest or best bid, termed "Market Bid") so that the estimated market (current lowest or best bid, termed "Market Bid") price more accurately approximates an actual market price. (col. 4, lines 41 – 57); and
- in which the estimated market price ("Market Bid") has an age (kept current) and the updating of the database (server) includes updating the estimated market ("Market Bid") price when its age exceeds a predetermined expiration age (when "Market Bid" is no longer current). (see col. 4, lines 49 – 51).

Alaia does not teach a method in which the database contains predefined information, the specified commodity includes telecommunications services, the RFP includes an anticipate quantity of commodities, the database contains one or more nonprice market terms for each of the commodities nor that the nonprice market terms are selected from a list as enumerated in Claim 8.

Disclosed Prior Art discloses a method of comprising:

- providing a reverse auction (bidding) environment. (see p. 3, line 24 – p. 4, line 16);

- receiving a request for proposals (RFP) from a customer at the reverse auction environment, the RFP including a request for bids on at least a specified one of the commodities (telecommunication service). (see p. 3, line 26 – p. 4, line 6);
- the RFP includes an anticipated quantity of the specified commodity (traffic per class of service) (see. p. 3, lines 25 – 27);
- soliciting multiple potential vendors (potential telecommunications vendors) to submit proposals responsive to the RFP in the reverse auction environment. (see p. 3, line 26 – p. 4, line 6);
- receiving one or more vendor proposals in the reverse auction environment, at least one of the vendor proposals being responsive to the RFP and including a proposed price (bid price) for the specified commodity (telecommunication service). (see p. 3, line 26 – p. 4, line 15);
- extracting the proposed price (bid price) from each of the responsive vendor proposals. ("...took a team of 20 people an entire month to review and extract relevant bid information." – see p. 4, lines 11 – 14);
- the commodities include telecommunication services. (see pp. 1 – 5);
- the information collected includes one or more nonprice market terms for each of the commodities (telecommunication services). ("For example, the RFP may specify nonprice service plan features desired by the customer, such as contract duration...In response to the RFP, each interested vendor prepares a detailed proposal that represents a bid for the services

or a portion thereof." – see p. 3, line 29 – p. 4, line 6 – establishing that information collected from potential vendors address nonprice market terms);

- the nonprice market term is associated with (a) one or more of the commodities (telecommunication services). (see p. 3, line 29 – p. 4, line 5); and
- the nonprice market terms are selected from the group consisting of:

(a) contract duration. (see p. 3, line 29 – p. 4, line 4);

(b) quality of service. (see p. 3, line 29 – p. 4, line 4);

(c) refund policies. (see p. 3, line 29 – p. 4, line 4);

(d) warranties. (see p. 3, line 29 – p. 4, line 4);

(e) customer service response time. (see p. 3, line 29 – p. 4, line 4);

(f) customer service escalation obligations. (see p. 3, line 29 – p. 4, line 4);

(g) multilingual support services. (see p. 3, line 29 – p. 4, line 4);

(h) e-mail response services. (see p. 3, line 29 – p. 4, line 4);

(i) exclusivity terms. (see p. 3, line 29 – p. 4, line 4);

(j) discounts. (see p. 3, line 29 – p. 4, line 4);

(k) installation fees. (see p. 3, line 29 – p. 4, line 4);

(l) risk allocation. (see p. 3, line 29 – p. 4, line 4);

(m) contract renewal terms. (see p. 3, line 29 – p. 4, line 4);

(n) contract termination conditions. (see p. 3, line 29 – p. 4, line 4); and

(o) any combination of (a) to (n). (see p. 3, line 29 – p. 4, line 4).

Examiner takes ***Official Notice*** that provision of a database of predefined information and/or allowing a system user to select from among such predefined information is old and well known in the art of database management and online systems. It would have been obvious to one of ordinary skill in the art to have modified Araia to have predefined information within the database, as is old and well known in the art, allowing for the system to limit activities and/or input to such as was predefined within the system.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Alaia and Official Notice by incorporating the features of Disclosed Prior Art, allowing for the networked reverse auction, as disclosed by Alaia, to handle telecommunication services, which are currently handled through a reverse auction environment, as disclosed by Disclosed Prior Art, thereby bringing the benefits of a networked and automated environment (ie. speed, ease of information distribution, uniformity of processing) to a formerly manual process.

Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have automated the reverse auction methodology, as disclosed by Disclosed Prior Art, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *Dann v. Johnston, 425 US 219, 227-30, 189 USPQ 257, 261 (1976); In re Venner, 120 USPQ 192 (CCPA 1958).*

Regarding Claims 9 – 15, such Claims recite similar limitations as claimed in previously rejected claims, would have been obvious based upon previously rejected

claims, or are otherwise disclosed by the prior art applied in previously rejected claims. Such claim limitations are therefore rejected using the same art and rationale as previously utilized.

Regarding Claims 16 - 17, Alaia teaches a computer system for facilitating the purchase of commodities comprising:

- a best of class database (server) including an estimated market price ("Market Bid") for the at least one commodity. (see col. 4, lines 49 – 51);
- an RFP (RFQ) preparation module accessible by the customer via the Internet for preparation of a request for proposals (RFQ) describing an anticipated quantity of the at least one commodities. (see col. 3, lines 7 – 12);
- an online reverse auction environment, accessible by multiple potential vendors via the Internet, the potential vendors including one or more interested vendors, the online reverse auction environment adapted to display the RFP to the interested vendor and to receive bids on the RFP from the interested vendors. (see col. 3, lines 1 – 33);
- a bid analysis (Auction Results Administration phase) module in communication with the online reverse auction environment and the best of class database for analyzing the received bids. (see col. 3, lines 33 – 40); and
- a database updating module for updating the best of class database (server) in response to the bids received from the one or more interested vendors. (see col. 3, lines 29 – 32).

Alaia does not teach a system for facilitating the purchase of telecommunication services comprising a customer traffic history database including traffic information describing a historical quantity of the telecommunications service used by a customer during a previous time period nor the RFP preparation_module being adapted to extract the historical quantity from the customer traffic history database.

Disclosed Prior Art discloses a system for facilitating the purchase of telecommunications services comprising:

- a customer traffic history information collection including traffic information (historical call data) describing a historical quantity of the at least one telecommunications service used by a customer during a previous time period (billing period). (see p. 3, lines 1 – 3);
- an RFP preparation stage for preparation of a request for proposals (RFP) describing an anticipated quantity of the at least one telecommunications service. (see p. 3, lines 24 – 28);
- the RFP preparation utilizing the historical quantity from the customer traffic history information collection for use in determining the anticipated quantity of the at least one telecommunications service. (see p. 3, lines 1 – 28);
- a reverse auction (bidding) environment, accessible by multiple potential vendors, the potential vendors including one or more interested vendors, the auction environment adapted to display the RFP to the one or more interested vendors and to receive bids on the RFP from the one or more interested vendors. (see p. 3, line 26 – p. 4, line 9); and

- a bid analysis stage in communication with the auction environment for analyzing the received bids. (see p. 4, lines 14 – 20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Alaia by incorporating the features of Disclosed Prior Art, allowing for the networked reverse auction, as disclosed by Alaia, to handle telecommunication services, which are currently handled through a reverse auction environment, as disclosed by Disclosed Prior Art, thereby bringing the benefits of a networked and automated environment (ie. speed, ease of information distribution, uniformity of processing) to a formerly manual process.

Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have automated the reverse auction methodology, as disclosed by Disclosed Prior Art, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *Dann v. Johnston, 425 US 219, 227-30, 189 USPQ 257, 261 (1976); In re Venner, 120 USPQ 192 (CCPA 1958).*

Regarding Claim 18, Alaia discloses a system in which:

- the online reserve auction environment includes security (evaluating authorization) for potential vendors. ("When a bidder submits a bid, that bid is sent to the server component and evaluated to determine whether the bid is from an authorized bidder, and whether the bid has exceeded a pre-determined maximum acceptable price." – see col. 4, lines 4 – 7).

Alaia does not teach that a system includes admitting potential vendors only with a valid username and password.

Examiner takes ***Official Notice*** that utilization of a valid username and password to secure access and admittance to a computer application or a designated online environment is old and well known in the art of online applications and computer system design. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Alaia and Disclosed Prior Art by incorporating a security system, as disclosed by Alaia, to utilize a username and password, as is old and well known in the art, to allow to provide an easily implemented security system for the online auction environment.

Regarding Claims 19 – 23, Alaia discloses a system in which:

- a ranking of the new bid relative to the bids previously received at the online reverse auction environment. (see col. 13, lines 62 – 65);
- the bid analysis module is configured to provide a feedback (broadcast) in response to receipt of a new bid (bids placed by supplier) at the online reverse auction environment. (see col. 4, lines 7 – 11);
- the feedback (broadcast) is provided to the one or more interested vendors that submitted the new bid (all connected bidders). (see col. 4, lines 7 – 11);
- the feedback (broadcast) is provided to the one or more interested vendors that have submitted bids previous to the new bid (all connected bidders). (see col. 4, lines 7 – 11); and

- the feedback (broadcast) is provided to the potential vendors (all connected bidders). (see col. 4, lines 7 – 11).

Alaia does not teach a system in which the feedback is provided via email.

Examiner takes ***Official Notice*** that utilization of email for the transmission of information to connected system users is old and well known in the art of communication and information transmission. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Alaia, Disclosed Prior Art and Official Notice to allow for transmission of feedback, as disclosed by Alaia, through an email, an established and existing technological means for transmission of such information.

Regarding Claim 24, Alaia does not teach a system further comprising a reference checking subsystem for receiving from each of the interested vendors an email address of a reference individual and for receiving from the reference individual a reference feedback concerning the interested vendor.

Examiner takes ***Official Notice*** that utilization of a reference check for bidders, suppliers and/or sellers is old and well known in the art of sales and auctions. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Alaia, Disclosed Prior Art and Official Notice to incorporate a reference checking function into their online auction to provide for a secure and reliable online auction.

Furthermore, as stated previously, Examiner takes ***Official Notice*** that utilization of email for the transmission of information to connected system users is old and well

known in the art of communication and information transmission. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Alaia, Disclosed Prior Art and Official Notice to allow for transmission of reference checking information through an email, an established and existing technological means for transmission of such information.

Regarding Claims 25 - 27, Claims 25 – 27 recite similar limitations to Claims 1 and 3 – 8, in combination, and are therefore rejected using the same art and rationale as applied in the rejections of Claims 1 and 3 – 8. Additional, claim limitation in Claim 26 is directed to prompting a user for information, a claim limitation that is not taught by Alaia.

Examiner takes ***Official Notice*** that prompting a user for information and/or input is old and well known in the art of computer system design and online environments. It would have been obvious to one with ordinary skill in the art at the time the invention was made to have modified Alaia, Disclosed Prior Art and Official Notice to prompt users for the input of information when the system required such information, as is old and well known in the art to ensure the input of the required information for proper system functioning.

Regarding Claims 28 - 38, such Claims recite similar limitations as claimed in previously rejected claims, would have been obvious based upon previously rejected claims, or are otherwise disclosed by the prior art applied in previously rejected claims. Such claim limitations are therefore rejected using the same art and rationale as previously utilized.

Regarding Claim 39, Alaia teaches a computer system for facilitating the purchase of commodities comprising:

- a best of class database (server) including an estimated market price ("Market Bid") for the at least one commodity. (see col. 4, lines 49 – 51);
- an RFP (RFQ) preparation module accessible by the customer via the Internet for preparation of a request for proposals (RFQ) describing an anticipated quantity of the at least one commodities. (see col. 3, lines 7 – 12);
- an online reverse auction environment, accessible by multiple potential vendors via the Internet, the potential vendors including one or more interested vendors, the online reverse auction environment adapted to display the RFP to the interested vendor and to receive bids on the RFP from the interested vendors. (see col. 3, lines 1 – 33);
- a bid analysis (Auction Results Administration phase) module in communication with the online reverse auction environment and the best of class database for analyzing the received bids. (see col. 3, lines 33 – 40); and
- a database updating module for updating the best of class database (server) in response to the bids received from the one or more interested vendors. (see col. 3, lines 29 – 32).

Alaia does not teach a system in which the database contains multiple generic classes of telecommunications service, a customer traffic history database describing a historical quantity of telecommunications service used by a customer, a spending

analysis software module for reading, extracting and converting traffic detail data from billing statements for updating of customer traffic database.

Disclosed Prior Art discloses a system for reducing the cost of telecommunications services, comprising:

- a customer traffic history information collection including traffic information (historical call data) describing a historical quantity of at least some of the classes of telecommunications service (classes of service) used by a customer during a previous time period (billing period). (see p. 3, lines 1 – 3);
- a spending analysis stage for reading multiple telecommunications billing statements including traffic detail data (detailed billing statements). (see p. 2, line 7 – p. 3, line 23);
- extracting (gather) the traffic detail data (historical call data) from the telecommunications billing statements (detailed billing statements). (see p. 2, line 29 – p. 3, line 28);
- a RFP preparation stage for preparation of a request for proposals (RFP) describing an anticipated quantity of a specified one of the classes of telecommunications service (class of service). (see p. 3, line 24 – p. 4, line 16);
- the RFP preparation stage being adapted to extract (gather) the historical quantity (historical call data) from the customer traffic history information collection for use in determining the anticipated quantity of the specified class

of telecommunications service (class of service). (see p. 2, line 29 – p. 3, line 28);

- a reverse auction (bidding) environment accessible by multiple potential vendors, the potential vendors including one or more interested vendors, the reverse auction environment adapted to present the RFP to the one or more interested vendors and to receive bids on the RFP from the interested vendors. (see p. 3, line 26 – p. 4, line 9); and
- a bid analysis stage in communication with the reverse auction (bidding) environment for analyzing the received bids. (see p. 3, line 26 – p. 4, line 9).

Examiner takes ***Official Notice*** that conversion and/or translation of data into a predetermined generic format is old and well known in the art of computer systems and data management.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Alaia by incorporating the features of Disclosed Prior Art, allowing for the networked reverse auction, as disclosed by Alaia, to handle telecommunication services, which are currently handled through a reverse auction environment, as disclosed by Disclosed Prior Art, thereby bringing the benefits of a networked and automated environment (ie. speed, ease of information distribution, uniformity of processing) to a formerly manual process.

Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have automated the reverse auction methodology, as disclosed by Disclosed Prior Art, since it has been held that broadly providing a

mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *Dann v. Johnston, 425 US 219, 227-30, 189 USPQ 257, 261 (1976); In re Venner, 120 USPQ 192 (CCPA 1958).*

It would have been obvious to one of ordinary skill at the time the invention was made to have modified Alaia and Disclosed Prior Art by incorporating the ability to convert traffic data into a generic traffic format, as is old and well known in the art, which defines multiple generic classes of service, as traffic is defined by the class of service (see specification, p. 2, lines 2 – 4) to aid the reading and analysis of billing statements in nonstandard formats, "[s]ince different telecommunications carriers deliver computer-readable billing data in different formats, the task of compiling historical use summaries and forecasting traffic is highly burdensome for a large company..." (see specification, p. 3, lines 3 – 7).

Regarding Claims 40 – 48, such Claims recite similar limitations as claimed in previously rejected claims, would have been obvious based upon previously rejected claims, or are otherwise disclosed by the prior art applied in previously rejected claims. Such claim limitations are therefore rejected using the same art and rationale as previously utilized.

Claims 49 - 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Disclosed Prior Art (specification, pp. 1 – 5) in view of Alaia (US Patent 6,199,050) and Official Notice.

Regarding Claim 49 - 52, Disclosed Prior Art discloses a method of analyzing telecommunications traffic comprising:

- extracting (gathering) traffic detail data (historical call data) from multiple billing statements. (see p. 3, lines 1 – 2);
- the billing statements being received from various telecommunications carriers. (see p. 2, lines 17 – 19);
- the traffic detail data (historical call data) of each billing statement describing at least one telecommunications traffic event (one billable event). (It is inherent that historical call data obtained from a billing statement would describe at least one billable event);
- summarizing the traffic detail data (compiling historical use summaries). (see p. 3, lines 3 – 7);
- analyzing the traffic detail data (billing statements) to determine an actual cost of the telecommunications traffic. (see p. 2, lines 7 – 12); and
- comparing the actual cost to the estimated market price (rate at which the market is moving). (see p. 5, lines 4 – 8 – It is inherent that seeking cost reductions by deciding whether to issue an RFP, after consideration of "rate at which the market is moving", would entail a comparison of the actual cost (currently paid cost) of telecommunication service to the estimated market price (rate at which market is moving), as such a comparison would be critical in deciding whether to issue an RFP); and

- generating an RFP recommendation notice (RFP determination) when the actual cost exceeds the estimated market price. (see p. 5, lines 8 – 9).

Disclosed Prior Art does not teach a computer-implemented method that converts traffic detail data into a generic format, the storage of such data in a customer traffic database, a database including an estimate market price for generic classes of service nor updating the database based on the actual cost.

Alaia discloses a method further comprising:

- a best of class database (server) including an estimated market price ("Market Bid") for the at least one commodity. (see col. 4, lines 49 – 51).

Examiner takes ***Official Notice*** that conversion and/or translation of data into a predetermined generic format, and the storage and updating of data in a database is old and well known in the art of computer systems and data management.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art by incorporating the features of Alaia, allowing for the spending analysis methodology, as disclosed by Disclosed Prior Art, to monitor the estimated market price, allowing for users to determine the financial benefits of contemplating and issuing a RFP.

Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have automated the analytical methodology, as disclosed by Disclosed Prior Art, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the

same result involves only routine skill in the art. *Dann v. Johnston, 425 US 219, 227-30, 189 USPQ 257, 261 (1976); In re Venner, 120 USPQ 192 (CCPA 1958).*

It would have been obvious to one of ordinary skill at the time the invention was made to have modified Disclosed Prior Art and Alaia by incorporating the ability to convert traffic data into a generic traffic format, as is old and well known in the art, which defines multiple generic classes of service, as traffic is defined by the class of service (see specification, p. 2, lines 2 – 4) to aid the reading and analysis of billing statements in nonstandard formats, "[s]ince different telecommunications carriers deliver computer-readable billing data in different formats, the task of compiling historical use summaries and forecasting traffic is highly burdensome for a large company..." (see specification, p. 3, lines 3 – 7).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art and Official Notice to have incorporated the ability to store and update such information on a database, as is old and well known in the art, as such storage of data is standard operation of a computerized system.

Regarding Claim 53 - 54, Disclosed Prior Art discloses a method in which:

- the traffic detail data includes, for each telecommunications traffic event, a traffic direction, a type of service, a boundary type, and an applicable carrier rate schedule. ("Voice traffic classes may differentiate telecommunications traffic based on origination location, termination location, whether the traffic was

incoming or outgoing, the time of the traffic event, and the rate schedule to be applied." – see p. 3, lines 15 – 18).

Disclosed Prior Art does not teach a method that converts traffic detail data into a generic format nor the use of a conversion table for such conversion.

Examiner takes ***Official Notice*** that conversion and/or translation of data into a predetermined generic format, and the usage of translation rules or table for such conversion is old and well known in the art of computer systems and data management.

It would have been obvious to one of ordinary skill at the time the invention was made to have modified Disclosed Prior Art and Alaia by incorporating the ability to convert traffic data into a generic traffic format, and to use translation rules or tables to conduct such, as is old and well known in the art, to aid the reading and analysis of billing statements in nonstandard formats, "[s]ince different telecommunications carriers deliver computer-readable billing data in different formats, the task of compiling historical use summaries and forecasting traffic is highly burdensome for a large company..." (see specification, p. 3, lines 3 – 7).

Regarding Claim 55, Disclosed Prior Art discloses a method in which:

- the traffic direction is selected from the group consisting of incoming and outgoing. (see p. 3, lines 15 – 18);
- the type of service is selected from the group consisting of voice, paging, cellular, and data transmission. (see p. 1, lines 23 – 26); and
- the boundary type is selected from the group consisting of different origination and destination locations. (see p. 3, lines 15 - 18).

Examiner takes ***Official Notice*** that categorizing telecommunication service as interstate, inter-GTA and international is old and well known in the art of telecommunications. It would have been obvious to have modified Disclosed Prior Art and Alaia to categorize the type of service as interstate, inter-GTA and international, as is well known in the art, to utilize terminology and classifications of telecommunication service that are already standard in the industry.

Regarding Claims 56 – 59, Disclosed Prior Art discloses a method in which a first one of the telecommunications carriers provides services under a contract including a minimum target quantity for a contracted class of the class of service (see p. 4, lines 21 – 24), the method further comprising:

- analyzing (monitoring) the traffic detail data (use) of the first telecommunications carrier to identify a projected traffic deficit relative to the minimum target quantity (see p. 4, lines 24 – 27); and
- analyzing (monitoring) the traffic detail data (use) of a second one of the telecommunications carriers to identify a future surplus traffic volume corresponding to the contracted class of the first telecommunications carrier. (see p. 4, lines 27 – 30);
- rerouting the future surplus traffic volume to the first telecommunications carrier to thereby reduce the projected traffic deficit. (see p. 4, lines 27 – 30);
- in which a contracting one of the telecommunications carriers provides services under a contract including a contracted service order fee, the

method further comprising: analyzing the billing statement (detailed billing statement) to identify a service order event (billable event) including a billed order fee (billed fee). (see p. 2, lines 11 – 15);

- comparing the billed order fee (billed fee) with the contracted service order fee (correct fee) to identify a service order fee discrepancy (overcharge). (see p. 2, lines 11 – 15 – It is inherent that in identifying an overcharge, the analysts must compare the billed/actual fee against the correct fee); and
- notifying (identify) the customer of the service order fee discrepancy (overcharge). (see p. 2, lines 11 – 15).

Neither Disclosed Prior Art nor Alaia teach a method in which a first one of the telecommunications carriers provides services under a contract including a minimum target quantity for a contracted class of the generic class of service, the method further comprising:

- analyzing the converted traffic detail data of the first telecommunications carrier to identify a projected traffic deficit relative to the minimum target quantity and
- analyzing the converted traffic detail data of a second one of the telecommunications carriers to identify a future surplus traffic volume corresponding to the contracted class of the first telecommunications carrier;

- rerouting the future surplus traffic volume to the first telecommunications carrier to thereby reduce the projected traffic deficit; and
- <u>further comprising automatically generating a message to the contracting telecommunications carrier in response to the existence of the service order fee discrepancy, the message requesting adjustment of the billed order fee.</u>

Converting, translating, standardizing and/or categorizing data or information into a pre-determined generic/common format or grouping is old and well known in the art of computer systems and information management. It would have been obvious to one of ordinary skill at the time the invention was made to have converted traffic data into a generic traffic format and categorized it into groupings to aid the reading and analysis of billing statements, as such conversion must be taking place, as at least within the minds of the analysts ("Since different telecommunications carriers deliver computer-readable billing data in different formats, the task of compiling historical use summaries and forecasting traffic is highly burdensome for a large company..." – see specification, p. 3, lines 3 – 7 – It is inherent that in compiling a summary based upon billing data in different formats would need to be converted into a common/standardized format, even if such conversion is mental, for summarization to take place) assisting in the manual process.

Common sense would dictate that once a service order fee discrepancy (overcharge) was identified, as disclosed by Disclosed Prior Art (see p. 2, lines 11 – 15), that the contracting telecommunications carrier would be contacted regarding the

service order fee discrepancy for correction, as identification of a service order fee discrepancy without corrective action would serve no purpose.

Disclosed Prior does not teach that the traffic detail analysis and notification is automatic. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have automated the method, since it has been held that broadly providing a mechanical or automatic means to replace manual activity that accomplishes the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

Regarding Claim 60 – 71, such Claims recite similar limitations as claimed in previously rejected claims, would have been obvious based upon previously rejected claims, or are otherwise disclosed by the prior art applied in previously rejected claims. Such claim limitations are therefore rejected using the same art and rationale as previously utilized.

Response to Arguments

Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Borlinghaus whose telephone number is (571) 272-6924. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMB

August 6, 2007

8-6-07

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